

### **III. REMARKS**

1. Claim 1 is amended to address a typographical error. Claims 6 and 46-49 are amended to address the noted objections. Claims 56-58 are new. Applicant appreciates the allowance of claim 15.
2. It is submitted that claims 1, 2, 4, 7, 12, 13, 16-20, 24-28, 32-34, 37-38, 40, 44-47, 50-51 and 53 are not unpatentable over Lee in view of Kozdon and Acharya et al. ("Acharya") under 35 U.S.C. §103(a). Claims 1, 44 and 50 recite that the second call is originated by mobile station and that the first network transmits data to the mobile station that indicates an "identification" for the handover. This is neither disclosed nor suggested by the combination of Lee, Kozdon and Acharya.

The Examiner refers to Acharya for the teaching that the second call is originated by the mobile station and that the first network transmits an "identification of the handover operation" to the mobile station as is recited in Applicant's claims. In particular, the Examiner refers to Figure 4. However, all the Figure 4 discloses is the different data paths before and after handover of the mobile station from the first base station to the second base station. There is nothing in Acharya that discloses that the mobile station originates the second call as claimed by Applicant.

The Examiner refers to Col. 5, lines 5-61 of Acharya as teaching that the first network transmits data to the mobile station that includes an identification for the handover. However, this section of Acharya only discloses that the base station transmits a HO-START message to the mobile station and uses the wireless control protocol between the base stations to contact the handoff candidate base stations. There is no disclosure here, or elsewhere, that this HO-START message includes data identifying a handover as is claimed by Applicant.

The "[n]ew base station 60 (BS2) identification described at Col. 5, line 35 is not the same as transmitting from the first network to the mobile station data indicating an

Identifier for the handover as recited in claim 1. Rather, all that this section teaches is the process of selecting a base station, and not "identifying" a base station. There is no transmission of the new base station identification in a manner that reads on what is claimed by Applicant. Rather, Col. 5, lines 36-37 refer to how both the terminal and base stations can coordinate the selection for the handoff procedures. There is no teaching here related to "identifying" as is claimed by Applicant.

It is also submitted that there is no motivation, as required for purposes of 35 U.S.C. §103(a), to combine Acharya with Lee and Kozdon. Motivation requires that there be some suggestion, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. No such suggestion can be identified here.

Acharya is concerned with how to re-establish the datapaths of a connection after a handover (see e.g. Abstract). Acharya is not concerned with or directed to the mechanics of how a handover is carried out or completed and does not disclose or suggest a handover that requires the mobile station to originate a call between the first network and the mobile station, via a second network. In Acharya, the handover is confined to one ATM network rather than "between" a first network and a second network. Thus, a handover that requires the mobile station to originate a call between the first network and the mobile station via a second network as is claimed by Applicant, would not be obvious to one of skill in the art in view of Lee, Kozdon and Acharya.

Additionally, there is no suggestion or motivation in Acharya related to a first network transmitting data indicating an identification for the handover to the mobile station. This feature is advantageous when the mobile station originates the second call because it enables the mobile station to subsequently identify the handover operation to the second network. The second network then identifies the completed handover to the first network so that the first network can drop the original call. There is no disclosure in Acharya related to the mobile station originating a second call. Thus, it

would not be apparent to one of skill in the art to modify Lee and Kozdon in view of Acharya so that a first network transmits data to the mobile station that provides an identification for the handover.

With respect to claim 44, the combination of Lee, Kozdon and Acharya does not disclose or suggest receiving, from the first network, data indicating an identification of the handover operation, as recited in Applicant's claims. The arguments previously recited on this issue are reasserted here. Additionally, the Examiner refers to Col. 4, lines 2-39 of Kozdon. However, this section of Kozdon describes transferring a connection by establishing a second call between the mobile station and the network. There is no disclosure here or elsewhere that any data is transferred from the first network to the second network as claimed by Applicant. Rather, in Kozdon, the first network places the current call on hold and provides a dial tone to the mobile station so that the second call can be established. Kozdon does not transmit data indicating an identification for the handover from the first network to the mobile station.

Claim 50 recites transmitting data to the mobile station that identifies the handover operation and establishing the second call with the mobile station via the second network. These are also not disclosed or suggested by the combination of references for the reasons previously stated. The Examiner refers to Lee, Col. 8, lines 29-58; Col. 10, lines 24-57; and Col. 11, line 27 to Col. 12, line 65. These sections do not disclose transmitting data from the first network to the mobile station. Col. 8, lines 29-58 discloses a communication procedure by which a base station determines whether there are sufficient communication resources available to affect a handover. Col. 10, lines 24-57 discloses storing information about the base stations with which the mobile is communicating at any one time. While this information may indicate an identification for a handover operation, it does not disclose that data is transmitted from the first network to the mobile station as claimed. Col. 11, line 27 to Col. 12, line 65 discloses a communication procedure between one base station and a target CDMA system that queries whether sufficient resources are available to support the call. What these

sections and this reference do not disclose is transmitting data from the first network to the mobile station that identifies a handover operation as claimed by Applicant.

In the "Response to Arguments" section of the Office Action, the Examiner states that it is Lee, not Kozdon, which discloses the transmission of the identification of the handover operation. It is submitted that there is no disclosure by Lee along these lines, as noted above, and this statement is inconsistent with the Examiner's earlier statement that "the above references do not explicitly teach...the first network transmitting data to the mobile station data indicating an identification for the handover." (Page 4, lines 1-4). Furthermore, with respect to the rejection of claim 44, the Examiner states that the feature of receiving from the first network data indicating an identification of the handover operation is taught by Kozdon, referring to Col. 4, lines 2-39. The reasons why this section does not disclose or suggest the claim features has been addressed previously. The Examiner also refers to certain sections of Lee, with respect to the rejection of claim 50. However, the deficiencies of these sections referred to by the Examiner in support of this position, see page 6, lines 4-5, have also been previously addressed above.

Thus, claims 1, 44 and 50 should be allowable. Claims 2-4, 7-13, 22, 23, 46-49 and 51-53 should be allowable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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